

PATENT  
81918.0003  
Express Mail Label No. EV 325 216 006 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification  
of this Application:

☒ Class 514

☒ Subclass 013

Prior Application

Examiner: KAM, Chih Min

Art Unit: 1653

**DIVISIONAL APPLICATION TRANSMITTAL**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

21910 U.S. PRO  
10/619910  
07/15/03

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 09/439,779 filed November 12, 1999, by Yoshihiko NISHIMURA, Yoshihisa SUZUKI, and Masao TANIHARA (inventor(s) currently of record in prior application) for A PEPTIDE AND OSTEOGENETIC ACCELERATOR.

- ☒ Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
- ☒ The filing fee is calculated below:

2. ☒ The filing fee is calculated below.

CALCULATION OF FEES								
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	14	-20	0	LG=\$18 SM=\$9	\$18	\$ 0	
B	INDEPENDENT CLAIMS FEE*	2	-3	0	LG=\$84 SM=\$42	\$84	\$ 0	
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)							\$ 0
D	MULTIPLE-DEPENDENT CLAIMS FEE					LARGE ENTITY FEE = \$280 SMALL ENTITY FEE = \$140		\$ 280.00
E	BASIC FEE					LARGE ENTITY FEE = \$750 SMALL ENTITY FEE = \$375		\$ 750.00
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 1030.00
	*LIST INDEPENDENT CLAIMS 12 and 15							

- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-1314. A copy of this sheet is enclosed.
- ☐ A check in the amount of \$ 0 is enclosed.

5. ☒ Cancel in this application original claim(s) 2-11 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6. ☒ Amend the specification by inserting before the first line the sentence:

This is a ☐ continuation ☒ divisional of application Serial No. 09/439,779 filed November 12, 1999, which application is hereby incorporated by reference in its entirety.

7a. ☐ New formal drawings are enclosed.

7b. ☒ Priority of application Serial No(s).:

Japanese application Serial No. 10-322075 filed November 12, 1998 is claimed under 35 U.S.C. § 119.

7c. ☒ The certified copy of the priority application was filed in prior application Serial No. 09/439,779, filed November 12, 1999.

8. ☒ The prior application is assigned of record to: Kyocera Corporation; Yoshihiko NISHIMURA; Yoshihisa SUZUKI; and Masao TANIHARA.

9. ☒ The power of attorney in the prior application is as listed on the attached copy of the declaration filed in the parent application.

a. ☒ The power appears in the original papers in the prior application.

b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

c. ☒ Address all future communications to:

Lawrence J. McClure, Esq.  
HOGAN & HARTSON L.L.P.  
Biltmore Tower  
500 South Grand Avenue, Suite 1900  
Los Angeles, CA 90071  
Telephone: (213) 337-6700  
Facsimile: (213) 337-6701

☒ Customer Number

**000026021**



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PATENT TRADEMARK OFFICE

d. ☐ A new Associate Power of Attorney is enclosed.

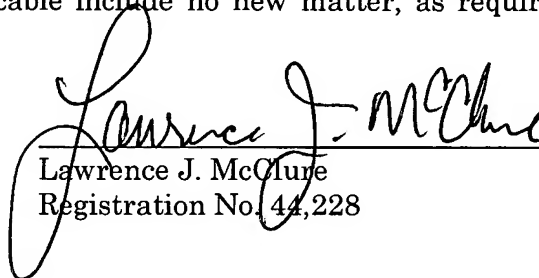
10. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

11. ☐ Applicant claims small entity status. See 37 CFR 1.27.

☐ Applicant no longer claims small entity status.

12. ☒ An Information Disclosure Statement listing 15 references is enclosed.
13. ☒ A Letter Requesting Use of Previously filed Sequence Information is enclosed.
14. ☒ An paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification is enclosed.
15. ☒ A statement that the content of the paper copy and computer readable copy previously filed are the same and, where applicable include no new matter, as required by 37 C.F.R. 1.821(f) or 1.82(g).

Date: July 15, 2003

  
Lawrence J. McGuire  
Registration No. 44,228

HOGAN & HARTSON L.L.P.  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Phone: 213-337-6700  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

NISHIMURA, et al.

Serial No: Not Assigned; Parent 09/439,779

Filed: July 15, 2003

For: A Peptide Osteogenetic Accelerator

Art Unit: Not Assigned

Examiner: Not Assigned

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

"Express Mail" Mailing Label No. EV 325 216 006 US

Date of Deposit: July 15, 2003

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- ☒ two copies of a letter of transmittal
- ☒ patent application ( 45 page(s) of specification; 14 claim(s); 1 page(s) of abstract
- ☒ 16 sheet(s) of formal Sequence Listing
- ☒ copy of executed Declaration and Power of Attorney
- ☒ Letter Requesting Use of Previously filed Sequence Information
- ☒ Verified Statement
- ☒ Preliminary Amendment
- ☒ Information Disclosure Statement listing 15 references
- ☒ return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Arlington, VA 22313-1450

Date: July 15, 2003

Hogan & Hartson, LLP

500 South Grand Avenue, Suite 1900

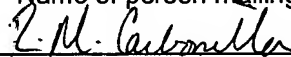
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Telephone: 213-337-6700

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Roeshene Carbonilla

Name of person mailing papers



Signature